

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Mar 06, 2017

Eastern District of Washington

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Isaac Ray Rodriguez

Case Number: 0980 2:13CR00166-EFS-1

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: August 15, 2008

Original Offense: Assault Resulting in Serious Bodily Injury, 18 U.S.C. §§ 113(a)(6) & 2

Original Sentence: Prison - 45 months; TSR - 36 months Type of Supervision: Supervised Release

Revocation Sentence: Prison - 6 months; TSR - 28 months
(12/2/2015)Revocation Sentence: Prison - 5 days
TSR - Scheduled expiration of
(12/9/2016) 8/11/2018

Asst. U.S. Attorney: Matthew Duggan Date Supervision Commenced: December 16, 2016

Defense Attorney: Federal Defenders Office Date Supervision Expires: August 11, 2018

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1 **Mandatory Condition # 3:** You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.

Supporting Evidence: On February 17, 2017, Mr. Rodriguez reported to U.S. Probation and readily admitted to using cocaine on February 15, 2017, Mr. Rodriguez then submitted a urinalysis sample for testing that was presumptive positive for cocaine. The client signed a drug use admission form documenting his use of cocaine on February 15, 2017.

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On February 21, 2017, Mr. Rodriguez reported to Alcohol Drug Education Prevention and Treatment (ADEPT) and submitted a urinalysis sample for testing that was presumptive positive for cocaine. Mr. Rodriguez indicated that he believed the resulting positive urinalysis sample was residual from his use on February 15, 2017, and adamantly denied any new use of cocaine. The sample provided by the client at ADEPT on February 21, 2017, was later confirmed as positive for cocaine by the provider's contract toxicology laboratory. It should be noted that based on the time frames present, this incident would appear to indicate the client's continued use of cocaine.

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Standard Condition # 13: You must follow the instructions of the probation officer related to the conditions of supervision.

Supporting Evidence: On February 21, 2017, Mr. Rodriguez reported to U.S. Probation as previously directed by the undersigned officer. During the conversation, Mr. Rodriguez was directed to report again on Monday (February 27, 2017). Mr. Rodriguez failed to report as directed.

On February 28, 2017, the undersigned officer attempted to contact the client on his cell phone; however, the he did not answer, and this officer was not afforded the ability to leave a voice mail. A voice mail was subsequently left on the client's wife's cell phone requesting the client report to U.S. Probation on that date, and contact the undersigned officer as soon as possible. Additionally on February 28, 2017, the undersigned officer attempted to contact the client at his residence. After receiving no response, a business card was left in the client's door directing him to report to U.S. Probation on Wednesday (March 1, 2017) at 8 a.m. As of the writing of this report, Mr. Rodriguez has not made contact with the undersigned officer and as a result, his compliance with his conditions of supervised release as ordered by the Court remains unknown to the U.S. Probation Office.

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Special Condition # 2: You shall perform 300 hours (minus any hours performed as of 12/09/2016) of community service work, at a rate of not less than 10 hours per month, as approved by the U.S. Probation Office. If you are unemployed while on supervision, you shall perform an additional 20 hours of community service per week, for a total of 90 hours of community service per month.

Supporting Evidence: As of December 9, 2016, Mr. Rodriguez had a remaining 37 hours of community service owed. As of the writing of this report, Mr. Rodriguez has failed to complete any of his remaining 37 hours of community service, as required by his conditions.

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Special Condition # 3: You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: During Mr. Rodriguez' current term of supervised release, he has failed to appear for random urinalysis testing with the contract provider, not previously reported to the Court, on January 10, and February 16, 2017, and had stalled during testing with the contract provider on February 8, 2017.

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Special Condition # 4: You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer) as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

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Supporting Evidence: On February 17, 2017, Mr. Rodriguez reported to U.S. Probation and readily admitted to consuming alcohol on February 15, 2017. The client signed a drug use admission form documenting his use of alcohol on February 15, 2017.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the offender to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 2, 2017

s/Chris Heinen

Chris Heinen
U.S. Probation Officer

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other



Signature of Judicial Officer

March 6, 2017

Date